

CHAPTER 1

What is organised crime?

Stories and images of organised crime are impossible to miss today. Policymakers, law enforcement, the media rarely fail to bring up the issue when discussing the nature and seriousness of contemporary criminal threats, and the appropriate responses towards them. For many people around the world, instances of what is described as organised crime may be part of their everyday experience in their neighbourhoods, their streets, the places they work and live. Many more are familiar with the notion of organised crime: from *Godfather* and *Scarface* to *Pulp Fiction*, *the Sopranos* and *Breaking Bad*, the film and TV industry regularly draw on fictional or real figures and situations to fascinate audiences with violence and intrigue unfolding in an obscure underworld. Organised crime feels like a tangible, inescapable issue in today's world.

The problem is, the more 'organised crime' is the topic of public debates and popular culture, the more it feels to many like a known and well-defined reality. The very label 'organised crime' defies even the elementary intellectual defences an average consumer of stories, proclamations, explanations and images is likely to raise. To be sure, 'organised' suggests association and collaboration, but what kind of people, and how many people are involved? Is 'organised' meant to evoke the image, the operations and power of a legitimate organisation, such as a corporation? Are the people involved as well-coordinated as in a corporation? To what particular ends? Can any type of crime be organised, or are there particular crimes that the label 'organised crime' applies to? What is the scale of the criminal activity? And, does this activity differ between countries? What happens when it extends

beyond borders?—well, 'it's organised crime'!

This short book does not pretend to offer definitive answers to all these questions. Rather, what we aim to do is help readers navigate their way in an ocean of information. Ambivalence and conflicting approaches and viewpoints do not pervade public representations of organised crime only. In the United States, where the idea began, an early consensus about what organised crime is soon gave way to intensive debates among those who studied the phenomenon. As organised crime became an issue for policy in other countries, the debates about its definition became wider and more divisive. Similarly, there has been a variety of legislative and policy approaches across different countries, according to how the issue is perceived in each. The development of cooperation between states against organised crime depends on consensus around a legal definition. The United Nations and the European Union have taken very broad approaches, essentially relying on the 'minimum common denominator' characteristics of organised crime.

It is safer to say that while, overall, there is some agreement about some characteristics of organised crime, there is no complete agreement, let alone one uncontested definition of it, whether scientific or legal. The root of this confusing state of affairs is found in the different perspectives of those who are in a position to shape how the various phenomena associated with the label 'organised crime' are understood in society. Crime, its causes, consequences and efforts to suppress it, all represent a complex reality, which is understood by each one of us in society in different ways depending on our experiences, ideas and values. Additionally, this understanding is also shaped by powerful institutions and organisations that actively attempt to influence how an issue is viewed and addressed depending on their interests and aims. A similar divergence and diversity of views can be found among those who study organised crime, since their various theoretical backgrounds and methodological preferences,

and the demands institutions make on scientific research are all likely reflected in their approaches.

The state of flux in which the concept of organised crime often seems to be found is also due to the fact that its development has been a policy and scientific endeavour that emerged in the second half of the twentieth century, that is, fairly recently. The label 'organised crime', however, applies to illicit activities that have occurred regularly throughout history in various geographical contexts and economic, social and political conditions. Criminal activities such as piracy, banditry, smuggling and the trade in illegal goods, the exploitation of labour under conditions of slavery, fraud or extortion have long preceded the concept. Retrospectively, it is even possible to understand a wider variety of phenomena, such as the abuse of corporate power, speculation or the bribery and corruption of officials, as historical instances of organised crime. The very early use of the words 'organised crime' was itself ambiguous as it applied to disparate phenomena ranging from political violence to conventional crime committed perhaps by more capable criminals.

The association of 'organised crime' with professional criminal groups, a stereotypical representation of the phenomenon in popular culture, particularly in connection with specific ethnic groups, has a distinctive United States origin. The social anxieties and the moral crusades against vice and crime during the Progressive Era paved the way, ironically, for an unprecedented growth of organised crime. The Progressives' preferred tools for social engineering, prohibitions, such as those on gambling, drugs and, most famously, alcohol, opened up the opportunity for large-scale, highly lucrative underground enterprise. The Great Prohibition is remembered as the time of unbridled bootlegging and racketeering, of gangster wars and the rise of some iconic mobster figures, such as Al Capone, 'Bugsy' Siegel, 'Lucky' Luciano or Meyer Lansky. The formulation of the concept of organised crime carries the marks

of the experiences of that period, involving strong and typically violent criminal groups, substantial illicit enterprise, and public corruption.

The diverse group of social scientists who study organised crime approach it by focusing on three different aspects, all of which were arguably visible in those early manifestations of the phenomenon. What makes organised crime different from conventional crime can, firstly, be the very element of the criminal collectivity. In other words, there is something particular about the way criminals associate or link with each other. Their association can be understood as something akin to organisations as we experience them in everyday life, a system of activity directed towards a common purpose, involving membership, rules, roles and a work system to accomplish its goals. Criminal association can also be understood as a network, involving patterns of activity between participants who are connected more strongly or loosely and take up opportunities depending on their social position. Viewed as a network, these individuals do not necessarily commit themselves to a common purpose beyond their individual interests, preferences and type of activity.

Secondly, organised crime is different from conventional crime because of the nature of the criminal activities it involves. Planning, preparation, complexity and continuity over time are all characteristics that set organised crime apart from the spontaneous, perhaps ill-thought transgressions involved in most everyday-life crime. An essential feature of organised crime, however, is that it involves the extraction of financial gain from the particular illicit activity, or range of illicit activities. Approached from this angle, organised crime can be understood fundamentally as criminal business, in which those involved take up an opportunity to participate in an illicit market, by producing or supplying illicit goods or services. The smuggling of drugs and other goods, human trafficking, illegal gambling schemes, fraud schemes or loansharking are examples of criminal businesses. In some cases,

criminals create the market, by creating a demand and making an illicit gain for the 'services' they provide. This is, for example, the case when organised crime interferes with legitimate activity.

Thirdly, organised crime can be understood as accumulation and use of power that is akin to the power of a government. This understanding firstly addresses from an economic viewpoint the possibility that organised crime groups as producers or suppliers of illegal goods and services may seek to monopolise a market, as this would maximise profits. It may also happen that several criminal firms act in combination, forming a cartel, to monopolise a market. Such monopolistic aspiration is often linked to the possibility of violence, as means to eliminate competition. The idea, however, that organised crime may mimic the functions of a government arises from the special condition that its activities unfold in a power vacuum. A legitimate government exercising control over territory, people and their activity by definition aims to disrupt and suppress illicit activity that occurs against the rules it sets. However, the production and supply of illicit goods and services is still social activity that creates a demand for setting rules and enforcing them, resolution of conflicts, and also protection from external threats. The Calabrian 'Ndrangheta is a prime example of an organised crime group performing such quasi-governmental role.

Organisational, or network structure, illicit enterprise and extra-legal governance provide entry points to an understanding of organised crime. One should not imagine that a combination of all three would provide a clear and useful definition of organised crime. Many students of organised crime often prefer to develop a list of characteristics of organised crime as a tool for understanding what it is, but items on such lists could be disputed depending on one's preferred entry point to the phenomenon. Historically, there has been an ebb and flow of such preferences, also depending on policy considerations or national contexts of the

phenomenon. In the 1950s and 1960s organised crime in the United States was strongly associated with a robust, hierarchical organisational structure, involving bosses, soldiers and other roles. Identified with Italian American gangsters, 'the Mafia' or 'Cosa Nostra' came to represent organised crime par excellence, and was widely viewed as an underworld conspiracy and a grave threat to society. This view was subsequently challenged by scholars in the United States, and in other countries, particularly in Europe. In those contexts, illicit entrepreneurship existed in ways that did not resemble the narrow view of organised crime as the American Mafia.

The quest for conceptual clarity in the study of organised crime has been further complicated in the final stretch of the 20th century as a newly perceived threat, that of organised crime crossing borders, began its ascend to an agenda-topping issue. Major geopolitical changes, such as the collapse of the former soviet bloc or the faster pace of European integration, and developments such the internet and the informatisation of the economy, as well as the increased cross border mobility of both persons and goods, were not merely seen as facilitators and amplifiers of older cross-border flows of illicit goods and services. They also brought about an expansion of criminal opportunities across borders, by opening up new illicit markets, by allowing the exploitation of gaps and 'asymmetries' in legal frameworks and enforcement. Ultimately, they may have allowed new actors to get on a now global scene of organised crime. Transnational organised crime is sometimes understood as activity conducted on an international scale as organised crime structures establish a presence and perhaps control of criminal markets in new national contexts. A more likely image is that of transnational criminal networking, building on opportunities for criminals to meet and link up their business.

Another aspect of transnational organised crime relates to the weaker relevance of

physical space and borders in a globalised world. Cyberspace, the borderless and often anonymous universe of digital communication networks, may facilitate the interaction and activity of criminal groups across borders. Importantly, it may be giving rise to new forms of criminal activity using digital technology, such as the trade in stolen data and virtual goods. Whether the concept of organised crime applies to these new forms of crime is a moot point: cybercrime often evokes a sense of organisation and sophistication that may mislead one to assume the presence of 'organised crime' when, in fact, there is none. More generally, the idea of transnationalisation captures the possibility and ease of traversing physical borders or cyberspace in a globalised world about crossing borders, but this does not mean that criminal groups are necessarily able to engage in it. Their structure, activity and the ways they relate and interact with their social environment often depends on familial, friendship or ethnic relations within their local context. This characteristic may represent a considerable barrier to their ability to scale up their presence or business across borders.

It will be clear at this point that formulating a definition or general framework to understand organised crime is an endeavour fraught with difficulties. While the dimensions of structure, activity and extra-legal governance provide the general coordinates of the phenomenon, they are not themselves homogenous categories. The approach we are taking in the remainder of this book may further impress these difficulties on our readers. We believe that ultimately a bottom-up approach will be more informative. We discuss, firstly, a number of contexts in which organised crime structures exist around the world and relevant collectivities that have been associated with such structures. The nature, characteristics, links with the sphere of the 'upperworld' (legal businesses, law enforcement, politicians, the state, nationalist organisations, etc.) will be looked at, and some historical context that assists in their understanding will also be provided, where possible. Secondly, we discuss the types of

business in which organised crime is involved. Although our discussion cannot possibly involve an exhaustive list of organised criminal activities, it covers a wide spectrum of possibilities in the reality of organised crime, from predatory activities (e.g. extortion) to illegal markets of legal commodities (e.g. tobacco) to illegal markets of illegal commodities (e.g. drugs) and so on. Thirdly, we discuss the types of policy and law enforcement approaches intended to address organised crime as an issue. We'll return to drawing a synthesis and comprehensive picture in the final chapter of this book.